IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.143 OF 2007
IN
NOTICE OF MOTION NO.236 OF 2007
IN
SUIT NO.438 OF 2007
WITH
CIVIL APPLICATION NO.213 OF 2007

Manfred Keiler ...Appellant

Versus

Bharat Hotels Ltd. & Ors. ...Respondents

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Mr.Ahamad Abdi i/b Mr.Ashok Kumar Singh for Appellant.

Mr.V.Tulzapurkar with Mr.R.N.Narula and Mr.A.Dasgupta i/b Jhangiani, Narula & Associates for Respondents.

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CORAM: A.M.KHANWILKAR, J.

FEBRUARY 28, 2007.

P.C.

1. Heard Counsel for the parties.

2. Counsel for the Appellant submits that the Court may not record detailed reasons for dismissing the Appeal. He further submits that the Appellant would be content if the Appellant is

granted time to vacate the disputed premises for a period of fifteen days from today. The Appellant is willing to give usual undertaking before this Court. The Appellant who is personally present in Court assures to the Court that if such grace is shown by the Respondents, he may not pursue the criminal action pending against the Respondents so that the entire controversy between the parties will be put at rest.

3. Accordingly, this Appeal is dismissed. However, time to vacate the disputed premises for a period of fifteen days from today is granted to the Appellant, on Appellant filing usual undertaking in this Court by tomorrow i.e. 1st March 2007, failing which, it will be open to the Respondents to proceed against the Appellant in accordance with law.

4. Copy of the undertaking to be filed in this Court be made over to the Counsel for the Respondents before filing the same in the Registry.

5. The Appellant shall also take steps to

withdraw the criminal action against the Respondents within four weeks from today. Assurance given by the Appellant in this behalf is also accepted.

6. Appeal and the companion Civil Application stand disposed of on the above terms.

A.M.KHANWILKAR, J.